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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,910	12/27/1999	MICHAEL C. G. LEE	71493-639	9364
33000	7590	02/03/2006	EXAMINER	
DOCKET CLERK				NGUYEN, QUYNH H
P.O. DRAWER 800889				ART UNIT
DALLAS, TX 75380				PAPER NUMBER
				2642

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/472,910	LEE, MICHAEL C. G.
	Examiner	Art Unit
	Quynh H. Nguyen	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-7 and 37-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-7 and 37-50 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. Applicant's amendment filed 1/11/06 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 2-7 and 37-50 are still pending in this application, with claims 2, 37, and 45 being independent.

Claim Rejections - 35 USC § 103

3. Claims 2-7 and 37-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh et al. (U.S. Patent 6,046,762) in view of Shaheen et al. (Pub. No.: U.S. 2005/0048969).

As to claims 2, 37, and 45, Sonesh et al. teach an automatic call distribution (ACD) controller arranged to be coupled through at least one packet-based network (Fig. 1, 112) to a plurality of remote telephone stations (Fig. 1, remote agent workstations) and one or more attendant telephone stations (Fig. 1, 127), the ACD controller comprising call reception logic (col. 6, lines 3-5) that controls the establishment of telephone sessions between the remote telephone stations (Fig. 1, remote agent workstations) and the one or more attendant telephone stations (Fig. 1, 127); wherein the call reception logic operates to receive call initiation signals from a

particular one of the remote telephone stations (col. 7, lines 58-61); to monitor if an attendant availability parameter is met (col. 10, lines 58-61); if the attendant availability parameter is not met, to send at least one data information message to the particular remote telephone station via the at least one packet-based network (col. 10, lines 58-61); and, if the attendant availability parameter is met, to establish an audio channel between the particular remote telephone station and a particular one of the attendant telephone stations (col. 11, lines 3-6).

Sonesh et al. do not specifically teach querying the capabilities of the remote telephone station prior to sending the data information message, a format for the data information message being determined based upon the capabilities of the remote telephone station.

Shaheen et al. teach querying the capabilities of the remote telephone station (subscribing unit) prior to sending the data information message, a format for the data information message being determined based upon the capabilities of the remote telephone station (Abstract; page 1, [0003]; page 2, [0015]; page 3, [0038] - [0039]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Shaheen into the teachings of Sonesh in order to provide accurate information to the caller in the correct format, and to perform the callers' requested actions reliably by sending the callers the formatted data information message based upon the capabilities of the callers' telephone station. This is analogous to the old and well-known handshake process between two communication components prior to establishing communication. For example,

facsimile machines perform the handshake process to determine the capabilities of the machine (e.g., speed) prior to communicating.

As to claims 3, 38, and 46, Sonesh et al. teach the at least one packet-based network is an Internet Protocol (IP) network and the data information message is transmitted within an IP packet (col. 10, lines 50-58).

As to claims 4, 39, and 47, Sonesh et al. teach the call reception logic further operates to determine a waiting parameter (expected wait time col. 10, line 60) to be presented to a user at the particular remote telephone station, the data information message comprising waiting parameter (col. 10, lines 59-61).

As to claims 5-6, 40-41, and 48-49, Sonesh et al. teach the length of the queue and expected wait time are displayed on the caller's computer (col. 10, lines 58-61) reads on claimed "...the waiting parameter comprises a number corresponding to an order ..." and "...an estimate of the time before the attendant availability parameter will be met".

As to claims 7, 42, and 50, Sonesh et al. teach the call reception logic further operates to update the waiting parameter periodically until the attendant availability parameter is met and to send further data information signals comprising updated waiting parameters to the particular remote telephone station via the packet-based network until the attendant availability parameter is met (col. 11, lines 1-4).

As to claim 43, Sonesh et al. teach the packet network comprises a local area network coupling the ACD controller and the one or more attendant telephone stations (Fig. 1, LAN 113, ACD minicomputer).

As to claim 44, Sonesh et al. teach an ACD center comprising one or more attendant console devices (Fig. 1, 125), each of the one or more attendant console devices associated with one of the one or more attendant telephone stations (Fig. 1; col. 6, lines 48-49).

Response to Arguments

4. Applicant's arguments filed 1/11/06 have been fully considered but they are moot in view of new ground(s) of rejections.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn *Quynh Nguyen*

Quynh H. Nguyen

February 2, 2006